

Co-Agency Drift Work Group
Meeting Minutes
June 15, 2000

Attendees: California Agricultural Commissioners and Sealers Association
Area Group Representatives:
Mark Lockhart, Northern Counties
Richard Price, Sacramento Valley
Robert Rolan, San Joaquin Valley
Kathleen Thuner, Southern California

Department of Pesticide Regulation Participants:
Terri Barry - Environmental Monitoring and Pest Management Branch
Fred Bundock - Office of Policy Coordination and
Continuous Improvement
MaryAnn Coleman - Pesticide Enforcement Branch
Dennis Gibbons - Worker, Health, and Safety Branch
Nancy Grussing - Pesticide Enforcement Branch
Roy Hirose - Pesticide Enforcement Branch
Linda Irokawa-Otani - Office of Policy Coordination and
Continuous Improvement
Danny Merkley - Agricultural Commissioner Liaison
Ralph Shields, Pesticide Registration

I Opening Remarks

Sharon Dobbins, Chief Counsel, would not be attending the meeting; any comments on the drift policy would be provided to her at a later date.

Danny Merkley, Agricultural Commissioner Liaison, advised the work group of the decision by the Coast Area to appoint Eric Lauritzen of Monterey County as their representative.

II Review Minutes

The attendees reviewed minutes from the May 25, 2000 meeting.

III Drift Policy Letter

Richard Price included the letter as an agenda item for the Sacramento Valley Area Group meeting on June 15 and June 16, 2000. Kathleen Thuner sent the letter to members of the South Area and received comments from Cato Fiksdal (Los Angeles) and Bill Gillette (Santa Barbara). Kathleen provided copies of the comments to attendees.

Comments from Cato Fiskdal Los Angeles County Agricultural Commissioner (CAC):

- Definition and enforcement of pesticide drift needs to be clarified.
- Current definition of "substantial drift" and "due care" makes it difficult to explain to the general public.
- Measurable evidence and guidelines are needed to determine how to enforce and treat drift violations.
- What are reasonable and acceptable levels of drift?

Comments from Bill Gillette, Santa Barbara CAC:

- Recommend revision of FAC Section 12972.
- FAC Section 12972 - Possible misinterpretation of "sensitive sites".
- Section 6614 - Having trouble with the words "damage" and "health hazards".
- Section 6614 - Last paragraph seems to imply that there are circumstances where drift could occur with no liability on the applicators part and no recourse on the adjoining property owner's part.

Copies of memos regarding Food and Agricultural Code (FAC) section 12972 and Title 3, California Code of Regulations (3 CCR) section 6614 (dated November 30, 1993) and Interpretation of 3 CCR section 6614 (dated December 2, 1993) were distributed, followed by a round table discussion.

IV Proposed Regulation Changes

The workgroup discussed suggestions to reorganize Title 3, California Code of Regulations including the consolidation of equipment requirements in section 6460 Drift Control with section 6464 Phenoxy and Certain Other Herbicides. The work group also discussed various general standards of care that could be adopted in a new section located in Chapter 3. Pest Control Operations, Subchapter 2. Work Requirements, Article 1. Pest Control Operations Generally.

The next meeting is scheduled for Wednesday, July 26, 2000, 1:00 p.m. to 4:00 p.m. in Sacramento.